

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	:	Case No. 14-53987
Brian Frank Griscti	:	Chapter 13 (Judge Caldwell)
Stephanie Marie Griscti	:	
Debtors	:	

**MOTION TO MODIFY CHAPTER 13 PLAN POST-CONFIRMATION**

Come now Debtors, by counsel, who hereby move the Court for an Order modifying the Chapter 13 Plan by increasing Debtors' payment to \$1,975.00 per month starting November 2015. The dividend paid to unsecured creditors shall be reduced to two percent (2%). This Motion is made pursuant to 11 U.S.C. § 1329(a), Federal Rule of Bankruptcy Procedure §3015(g) and LBR § 3015-2.

**MEMORANDUM IN SUPPORT OF THE MOTION**

The Debtors filed for Chapter 13 Bankruptcy relief on May 30, 2014 and the Chapter 13 Plan was confirmed on August 25, 2014. The Debtors' plan originally called for payments of \$1,270.00, and a dividend payable to unsecured creditors of five percent (5%). Pursuant to a Motion to Modify filed by the Chapter 13 Trustee, the dividend to be paid to unsecured creditors was increased to 6.757% on April 3, 2015. This has been the only modification of Debtors' Chapter 13 plan to date.

Since the plan was confirmed, a significant change in circumstances has occurred that requires modification of Debtors' plan. Due to a recent substantial increase in Debtors' monthly mortgage payment, Debtors' plan is now projecting to last an excess of sixty months in violation of 11 U.S.C. § 1322(b). Fortunately, Mr. Griscti's income has improved and Debtors will be able to increase their monthly plan payment enough to insure that their Chapter 13 Plan completes within sixty months as required by the Bankruptcy Code.

The proposed modification would increase Debtors' payment to \$1,975.00 per month starting November 2015. The dividend paid to unsecured creditors would be reduced to two percent (2%). As modified, Debtors respectfully submit that the plan meets the best interests of the creditors and represents the Debtors' best effort under the current situation.

Amended Schedules I and J will be filed separately from this Motion.

**WHEREFORE**, the Debtors respectfully move the Court **GRANT** the Debtors' Motion to Modify Chapter 13 Plan Post-Confirmation as set forth herein.

Respectfully submitted,

/s/ Marshall D. Cohen  
Marshall D. Cohen, Case Attorney (0044066)  
1500 West Third Avenue, Suite 400  
Columbus, Ohio 43212  
(614) 294-5040, Fax (614) 291-5006  
notice@financialdignity.com

**21 DAY NOTICE AND CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following registered ECF participants, electronically through the Court's transmission facilities at their e-mail addresses registered with the Court, or by U.S. Mail, postage prepaid to the parties listed below on October 14, 2015 and for Notice that the undersigned will present to the Court a proposed order granting the request sought unless, within twenty one (21) days after this date, a written memorandum in opposition along with a request for a hearing are filed with the Court and served on the undersigned.

**Electronic Service:**

- Asst US Trustee (Col) ustpreion09.cb.ecf@usdoj.gov
- Marshall D Cohen mcohen@financialdignity.com
- LeAnn E Covey bknotice@johndclunk.com
- Faye D. English notices@ch13columbus.com
- Christopher P Kennedy bankruptcy@carlisle-law.com
- David H Yunghans ohbk@rslegal.com

**U.S. Mail Service:**

Brian F. and Stephanie M. Griscti |178 White Elm Drive|Delaware, OH 43015-3430  
Aaron & Associates |7509 East Main Street|Reynoldsburg, OH 43068-7268  
Accelerated Revenue, Inc. |PO Box 2020|Powell, OH 43065-2020

Attorney Bradley Toman |24755 Chagrin Boulevard|Suite 200|Beachwood, OH 44122-5690  
Bank of America |7105 Corporate Drive|Plano, TX 75024-4100  
Bank of America, NA |Mail Stop TX2-982-03-03|7105 Corporate Drive PTX-B-209|Plano, TX 75024-4100  
CHOICE RECOVERY INC|1550 OLD HENDERSON ROAD|STE 100|COLUMBUS OH 43220-3662  
Credit One Bank |PO Box 98873|Las Vegas, NV 89193-8873  
Delaware County Treasurer |140 North Sandusky Street|Delaware, OH 43015-1799  
Fifth Third Bank |Fifth Third Bank Bankruptcy Department|1830 East Paris Avenue Southeast|Grand Rapids, MI 49546-6253  
Huntington Natioanl Bank |2361 Morse Road|NC2W42FCL|Columbus, OH 43229-5856  
Huntington National Bank |Attn: Bankruptcy Department|PO Box 89424|Cleveland, OH 44101-6424  
KeyBridge Medical Revenue |Attn: Bankruptcy|PO Box 1568|Lima, OH 45802-1568  
LVNV Funding, LLC its successors and assigns|assignee of FNBM, LLC|Resurgent Capital Services|PO Box 10587|Greenville, SC 29603-0587  
Lantern Chase HOA |c/o Sandi Crnko|9054 Cotter Street|Lewis Center, OH 43035-7101  
Meade & Associates |737 Enterprise Drive|Westerville, OH 43081-8841  
Ohio Attorney General |Collections Enforcement Section|150 East Gay Street, 21st Floor|Columbus, OH 43215-3191  
Ohio Department of Taxation |Bankruptcy Division|P.O. Box 530|Columbus, OH 43216-0530  
Ohio Health |5350 FRANTZ ROAD|DUBLIN OH 43016-4259  
Physicians Credit Bureau |5500 New Albany Road|New Albany, OH 43054-8704  
The Huntington National Bank |P.O. Box 89424|Cleveland, OH 44101-6424  
TOYOTA MOTOR CREDIT CORPORATION|PO BOX 8026|CEDAR RAPIDS IA 52408-8026  
Toyota Motor Credit Corporation (TMCC) |PO BOX 8026|Cedar Rapids, Iowa 52408-8026  
U S Dept Of Ed/fisl/at |Attn: Bankruptcy|61 Forsythe St Room 19t89|Atlanta, GA 30303-8928  
United States Department of Education |Claims Filing Unit|P O Box 8973|Madison, WI 53708-8973  
Virginia Griscti |2515 Dahlia Way|Columbus, OH 43235-5524

/s/ Marshall D. Cohen

Marshall D. Cohen, Case Attorney (0044066)

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re: : Case No. 14-53987  
Brian Frank Griscti : Chapter 13 (Judge Caldwell)  
Stephanie Marie Griscti :  
Debtors :

**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN POST-CONFIRMATION**

The Debtors have filed papers with the Court: Motion to Modify Chapter 13 Plan Post-Confirmation ("Pleading").

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney you may wish to consult one.)**

If you do not want the court to change your status or if you want the court to consider your views on the Pleading, on or before twenty one (21) days from the service date of the Pleading you or your attorney must:

File with the court a response to the Pleading and serve a copy as directed by the notice not later than twenty one (21) days after service of the Pleading at:

**U.S. Bankruptcy Court, Clerks Office, 170 N. High Street, Columbus OH 43215**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it before the date stated above.

You must also mail a copy to:

Brian & Stephanie Griscti, 178 White Elm Drive, Delaware, OH 43015  
Marshall D. Cohen, Esq., 1500 West Third Avenue, Suite 400, Columbus, OH 43212  
Faye D. English, Chapter 13 Trustee, One Columbus, 10 W Broad St, Ste 900,  
Columbus, OH 43215  
Office of the U.S. Trustee, 170 North High Street, #200, Columbus, OH 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Pleading and may enter an order granting relief.

Date: October 14, 2015

/s/ Marshall D. Cohen  
Marshall D. Cohen, Case Attorney (0044066)  
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Columbus, Ohio 43212  
(614) 294-5040, Fax (614) 291-5006  
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